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DECLARATION OF ROBERT TUR

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I, Robert Tur, declare as follows:

1. I am an owner of the Los Angeles News Service (“LANS”).

2. LANS is a duly accredited news gathering and reporting organization,

3. which produces video and audio tape recordings of newsworthy events.

4. LANS both operates and contracts to other news organizations and

5. licenses and sells news video, videotapes, photographs, and other products used by

6. other news operations for all media, including television, cable, motion picture,

7. Internet and print media.

8. 4. I am the owner of, *inter alia*, the following registered copyrighted

9. works:

10. a. PA-576-702: “Beating of man in brown hatchback with

11. rescue;”

12. b. PA-576-703: “Beating of man in white panel truck;”

13. c. PA-839-603: “Earthquake;”

14. d. PA-576-704: “Beating of Reginald Denny”, and

15. e. PA-862-544: “North Hollywood shootout.”

16. Each of these five works (collectively, “Infringed Works-A”) has been uploaded

17. on the YouTube website, YouTube.com, both before the filing of the complaint in

18. this case, after service of the complaint on YouTube, and presently.

1 5. At no time have I given an assignment, license, or permission of any
2 kind to YouTube or to any of its users who have uploaded my ¹¹³⁻⁰⁰⁰² copyrighted works
3 onto YouTube.com.
4

5 6. A representative set of infringements currently ongoing of my
6 Infringed Works-A include Exhibits 1-8, attached hereto. These exhibits are true
7 and correct copies of downloads of YouTube.com taken after my complaint was
8 served upon YouTube. Each of them shows a frame from one of my Infringed
9 Works-A juxtaposed against the following types of advertising: (a) banner
10 advertising – such as for NetFlix; (b) promotion of other YouTube.com videos (on
11 the right side of the screen captured); (c) promotion/branding of the YouTube.com
12 logo and name (at the upper part of the screen captured).
13

14 7. At the YouTube.com website is the User Agreement, which must
15 automatically be accepted electronically by each user. Section 5.B of the User
16 Agreement states in relevant part:

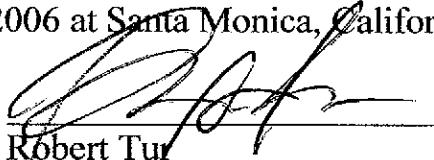
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22 promoting and redistributing part or all of the YouTube Website (and
23 derivative works thereof) in any media formats and through any media
24 channels. You also hereby grant each user of the YouTube Website a
25 non-exclusive license to access your User Submissions through the
26 Website, and to use, reproduce, distribute, prepare derivative works of,
27 display and perform such User Submissions as permitted through the
28 functionality of the Website and under these Terms of Service....

1 derivative works thereof) in any media formats and through any media
2 channels. You also hereby grant each user of the YouTube Website a
3 non-exclusive license to access your User Submissions through the
4 Website, and to use, reproduce, distribute, prepare derivative works of,
display and perform such User Submissions as permitted through the
functionality of the Website and under these Terms of Service....
5

6 The foregoing facts are within my personal knowledge, and I could
7
8 competently testify to them.

9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct.
11

12 Executed this 13th day of November, 2006 at Santa Monica, California.
13

14 
Robert Tur

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113-0005

113-0006

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YouTube - L.A. Riot

http://www.youtube.com/watch?v=XVx5RpqANJM&mode=related&search=

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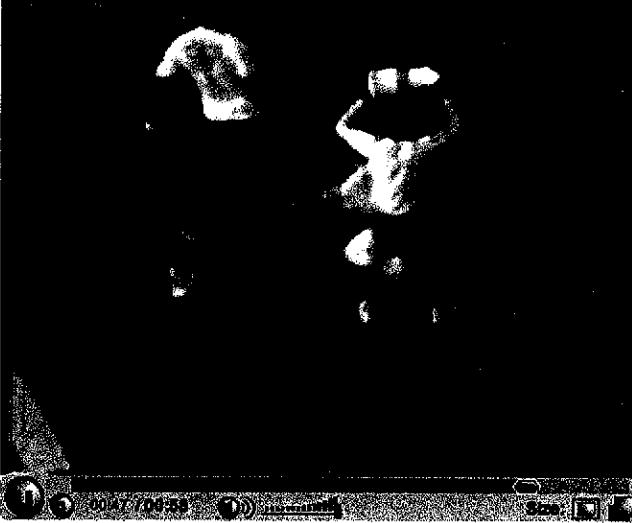
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L.A. Riot



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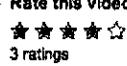

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EXHIBIT 3

113-0008

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About This Video

Added May 22, 2006 From OsamaKilla

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quiet riot 6-22-79 LA
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00:44 From: swaban

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The Heart of Steel
01:30 From: THEDIRECTOR

Dilly in the grass
00:22 From: clickbrain

Ask A Ninja: Question 9 "Ninja Love"
02:20 From: digitalfilmmaker

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113-0009

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YouTube - Guns N' Roses - Welcome To The Jungle

http://www.youtube.com/watch?v=cxHHRnArqhE&search=guns%20and%20roses%20welcome%20to%20the%20jungle

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Guns N' Roses - Welcome To The Jungle

About This Video

Added March 11, 2006 From Soudeser

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URL http://www.youtube.com/watch?v=cxHHRnArqhE

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EXHIBIT 4

113-0011

10

EXHIBIT 5

113-0012

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YouTube - North Hollywood Shootout

http://www.youtube.com/watch?v=bCuG_gql3i0&mode=related&search=

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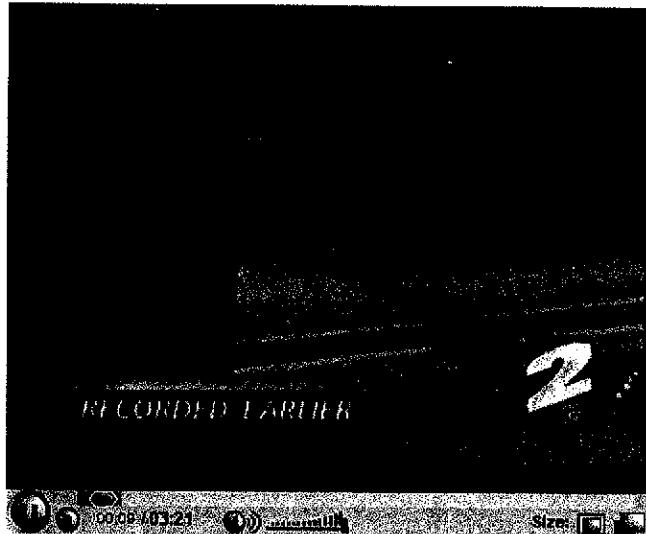
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North Hollywood Shootout



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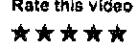
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YouTube - Hollywood Shootout

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Hollywood Shootout



About This Video

Added November 30, 2005 From zenos

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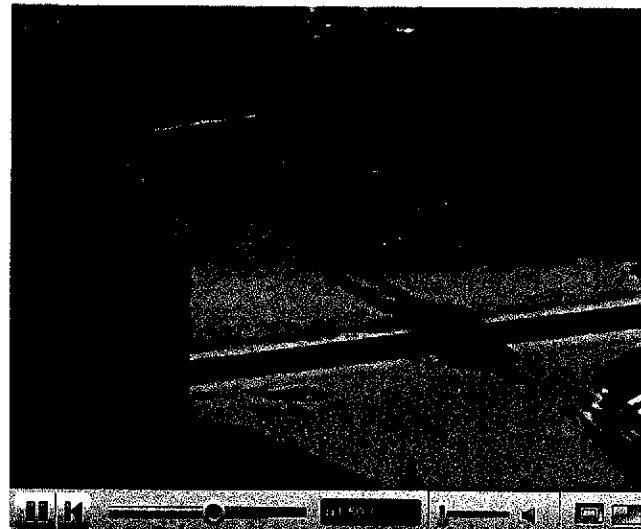
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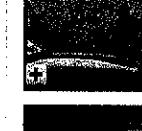
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